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Patent
S.N.: 09/819,992

3712

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09-15-02
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of)
)
Applicant: Harmeet S. Guraya)
)
)
Title: Process for the Deagglomeration and the) Group Art Unit: 3712
Homogeneous Dispersion of Starch Particles))
) Examiner: Anthony J. Weier
)
)
)
Serial No.: 09/819,992)
)
Docket No.: 0236.97)
)
Filed: March 29, 2001)

Assistant Commissioner for Patents
Washington, D.C. 20231

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SEP 9 - 2002
TC 1700

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to restriction under 35 U.S.C. § 121, Group II is provisionally elected with traverse. The restriction requirement is submitted to be improper because it is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met: (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the examiner if restriction is not required.

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In the instant application, Claims 1-14 recite a method of processing an amylaceous flour, while Claims 15-30 are drawn to products of processing an amylaceous flour. A search for the novel product of Group II would encompass a search for the methods of Group I; thus, the inventions are not distinct. Therefore, there would be no serious burden on the Examiner to search claims 1-14 since a search attesting that the products of Group II were novel would also point to the methods of Group I being novel.

In view of the foregoing, the applicant respectfully requests that the requirement be withdrawn upon reconsideration. In the event that the Examiner deems the restriction requirement final, it is respectfully requested that the Examiner rejoin the method claims with the product claims if allowable subject matter is indicated (MPEP 821.04).

The restriction requirement was mailed on July 16, 2002, and this response is submitted within the one month period for reply, therefore no extension of time is required and no fee is due.

Respectfully submitted,

August 15, 2002
Date

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09/819,992

* I hereby certify that this correspondence is being deposited *
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* an envelope addressed to: Assistant Commissioner for Patents, *
* Washington, DC 20231, on August 15, 2002 *
* (Date) *
* Robin McCormick *
* (Name of applicant, assignee, or Registered Representative) *
* *Robin A. McCormick* 8/15/02 *
* (Signature) (Date) *
